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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,712	11/29/2001	William Randolph Abernethy	1497.1007	2609

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EXAMINER

TRAN, HAI

ART UNIT PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/995,712	Applicant(s) ABERNETHY, WILLIAM RANDOLPH	
	Examiner Hai Tran	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/24/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first Office Action in response to the application filed on November 29, 2001 and titled: "A State Tracking System For A Basket Trading System".
2. Claims 1-26 are pending in this application.

Acknowledgements

3. The Applicant states that this application is related to U.S. provisional patent application 60/110,524, filed December 1, 1998, titled "Method And Apparatus For Trading User-Definable Groups Of Fungible Goods Such As Securities"; U.S. patent applications: 09/433,659, filed November 3, 1999, titled "Method And System For Trading User Definable Baskets Of Fungible Goods Such As Securities"; 09/672,838, filed September 29, 2000, titled "A Basket Trading System Having An Interface For User Specification Of Goods To Be Traded As A Unit"; 09/675,583, filed September 29, 2000, titled "An Electronic Crossing System For Security Baskets"; 09/672,840, filed September 29, 2000, titled "A Basket Price Quotation System"; and 09/672,839, filed September 29, 2000, titled "An Order Routing System For Fungible Goods Trades In A Basket Trading System".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated over Bennett et al. (U.S. Patent 7,110,969) ("Bennett").

6. Regarding system claims 1, 2, 17, 22, and computer readable claims 20, 21, Bennett discloses methods and systems for electronic order routing, particularly for selecting, ordering, routing, confirming and tracking orders for financial instruments among multiple buyers and sellers. The invention provides end-to-end, straight-through transaction processing methods and systems for multiple financial instruments combining order routing, execution, settlement, foreign exchange, and custodial services to financial service providers with a retail customer base. The systems have capability to perform tasks: monitor the real-time status of a financial order at various stages; accommodate additional financial instruments and users; and provide multilingual capabilities, settlement currencies, and other identifiers necessary to quote and execute an order for a financial instrument. The system components include terminals running an interactive user interface, a network server, and a communication network. The systems and methods provide archive capability for storing transactional data including order data, detailed reports, integration with external and internal systems, and allow for real-time system configuration and modifications (Abstract).

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7. Regarding claim 3, Bennett system's database is centralized and stores all the transactional data including order data and may be accessed by another user, e.g. fund manager (column 4, lines 51-54).

8. Regarding claims 4-10, Bennett's system allows users to input and display transactional attributes including user account data, purchase instructions, redemption instructions, switching instructions, financial limitations, order attributes, confirmation instructions, settlement instructions, financial parameters, and designation by fund manager of predetermined daily cutoff time for all of the fund manager's financial parameter (claims 27 and 29).

9. Regarding claims 11-12, Bennett system's database is centralized and stores all the transactional data including order data and may be accessed by another user, e.g. fund manager (column 4, lines 51-54).

10. Regarding claims 13-16, Bennett system's client terminal allows a user to view, input, select and transmit order attributes (column 4, lines 57-58). Once the order is verified, the order is transmitted to the network server, added to the database, and made accessible to the fund manager (column 4, lines 66-5 of column 5). Therefore Bennett's system is operated separately and by its process, the order processing has a higher priority for process time. Bennett system provides end-to-end, straight-through transaction processing methods for multiple financial instruments such as stocks, mutual funds, etc. and tracks the status of all transaction orders (Abstract).

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11. Regarding process claims 18 and 19, Bennett system provides checks and verifications on order information after the "Submit" icon is clicked (column 17, lines 34-3 of column 18; figures 20A-D, 21, 22A-E).

12. Regarding graphical user interface claims 23 and 24, Bennett system comprises terminals each displaying a graphical user interface adapted for fund managers to receive financial parameters and designate predetermined daily cutoff time for all of the financial parameters, and for brokers to access the financial pricing parameters and receive transactional data including user account data, user instructional data, authentication of transactional data (claim 14).

13. Regarding method claims 25 and 26, these claims are similar to system claims 1, 2, 17 and 22. It would be obvious that these claims have similar limitations; hence, they are rejected under the same rationale provided in the system claims above.

14. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

15. Claims 1-26 are rejected.
16. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7364. The examiner can normally be reached on M-F, 9-4 PM.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT.

